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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,475	02/23/2004	Antonio J. Vargas	3924-0185	1734
7590	06/02/2005			
			EXAMINER	
			ESTRADA, ANGEL R	
			ART UNIT	PAPER NUMBER
			2831	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/784,475	VARGAS ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Angel R. Estrada	2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 March 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5 and 6 is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: Approved Drawings.

**DETAILED ACTION**

***Claim Objections***

1. Claim 3 is objected to because of the following informalities:

Claim 3 line 3, "said rearwardly bent flanges", lacks antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by de la Borbolla (US 6,6694,467; hereinafter Borbolla).

Regarding claim 1, Borbolla discloses a two piece metal raceway assembly (10 or see figure 1) of the type having an elongated base (12) formed into a C-shaped cross section (see figures 1 and 2) defining an open side with parallel side walls having inwardly turned flanges (22) that are angled with respect to the generally parallel sidewalls of the C-shaped base (see figure 2), and elongated cover segments (14) having longitudinally extending rearwardly projecting flanges for assembly with the base flanges (see figure 1 and 2) so that the cover segments (14) are of substantially the same width as the base,

the improvement comprising a metal device bracket (18 or see figure 2) for placement between spaced raceway cover segments (14) to provide support for at least one electrical device (16 or see figure 2), said device bracket (18) being formed from a flat steel blank having at least one opening (see figure 2) for receiving said electrical device (16, see figure 2), said device bracket (18, see figure 2) including rearwardly bent end portions (see figures 3 and 4) for abutting the spaced raceway cover segments (14 or see figure 5) without being supported by the cover segments (14), and said rearwardly bent end portions (see figures 3 and 4) further including angled outer ends of J-shape (20) to be received between the in turned flanges (22, see figures 3 and 4) of the raceway base (see figures 3 and 4), whereby the device bracket (18) can be assembled with the raceway base as a result of deforming the base sidewalls so as to receive said J-shaped end portions of said rearwardly bent flanges (see figures 3 and 4).

Regarding claim 2, Borbolla discloses the combination wherein said device bracket (18) has a generally flat portion intermediate said rearwardly bent end portions (see figures 2 and 3) adapted to lie in a plane which is substantially the same as the plane defined by the flat raceway cover segments (14, see figures 1, 2 and 5).

Regarding claim 3, Borbolla discloses the combination wherein said at least one opening (see figure 2) is formed at least in part by a bar (34) defined by said device bracket (18); said bar (34) oriented generally perpendicular said rearwardly bent flanges of said device bracket (see figure 2).

Regarding claim 4, Borbolla discloses the combination wherein said device bracket (18) further defines a second opening (see figure 2) defined in part by said bar

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(34), and wherein said bar (34) is provided midway between said in turned flanges (20) or said raceway base (see figure 2) so as to be aligned with a divider (see figure 2) conventionally supported in said raceway base for defining separated wireways (see figure 2).

***Allowable Subject Matter***

3. Claims 5 and 6 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 5 and 6 are:

Regarding claim 5, the prior art does not teach or fairly suggest in combination with the other claimed limitation a cover plate having rearwardly projecting flanges receivable between said in turned flanges of said raceway base without interference with said device bracket.

Regarding claim 6, the prior art does not teach or fairly suggest in combination with the other claimed limitation said device bracket having inwardly spaced top and bottom edges to define slots between the device bracket and the raceway base inturned flanges, and a cover plate having inwardly formed flanges received in said slots, and said flanges formed for resiliently deforming said raceway base sidewalls to secure said cover plate between said inturned flanges of said raceway base.

These limitations were found in claims 5 and 6, and are neither disclosed nor taught by the prior art of record, alone or in combination.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bruisma (US 5,086,194), Bacouelle et al (US 6,362,420), Jarry et al (US 6,563,046), Acklin et al (US 6,350,135) and Hull et al (US 6,211,460) disclose a raceway assembly.

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7. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 Ext: 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angel R. Estrada

May 19, 2005

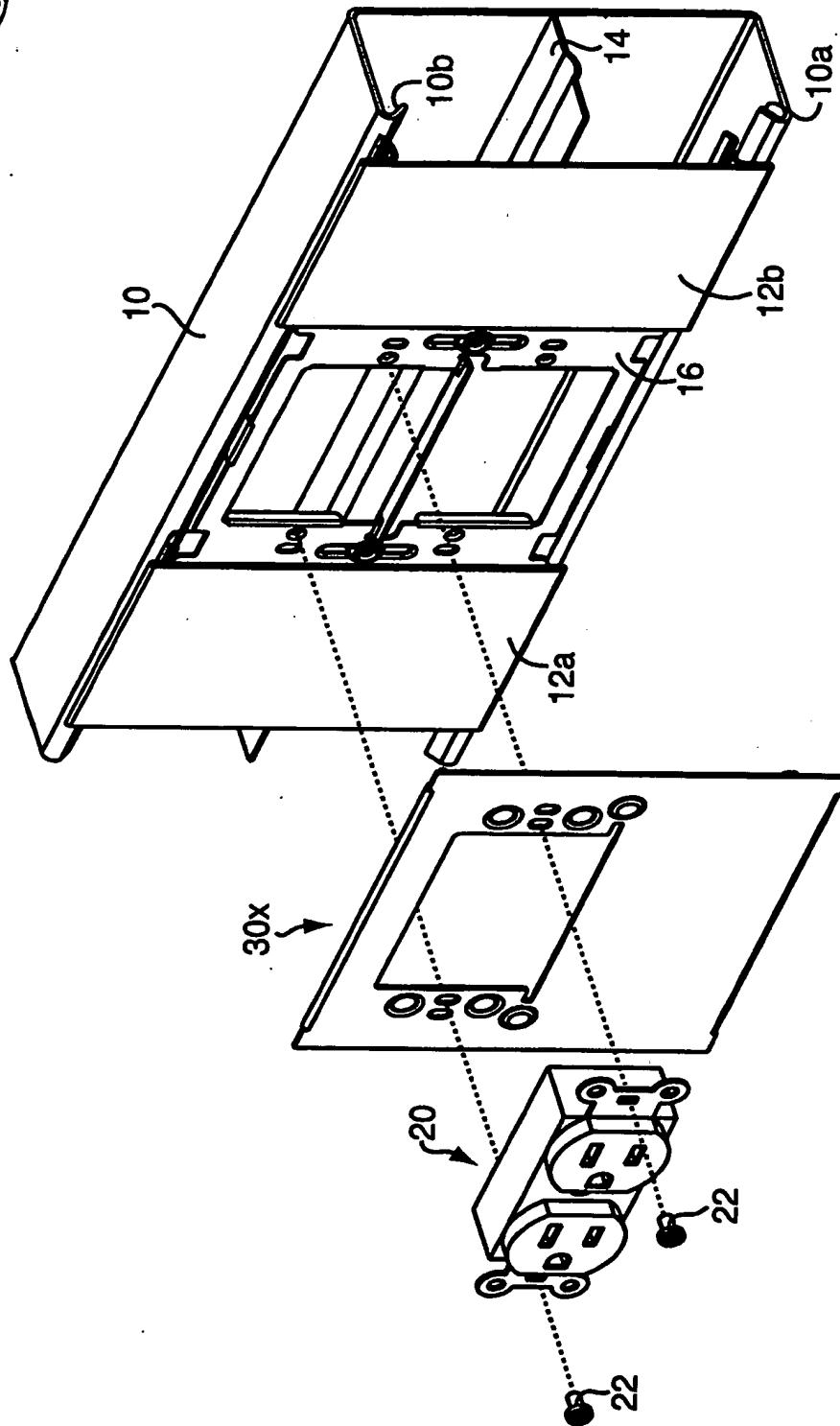
*Dean A. Reichard 5/31/05*

DEAN A. REICHARD  
SUPPLYING PATENT EXAMINER  
TECHNOLOGY CENTER 2800

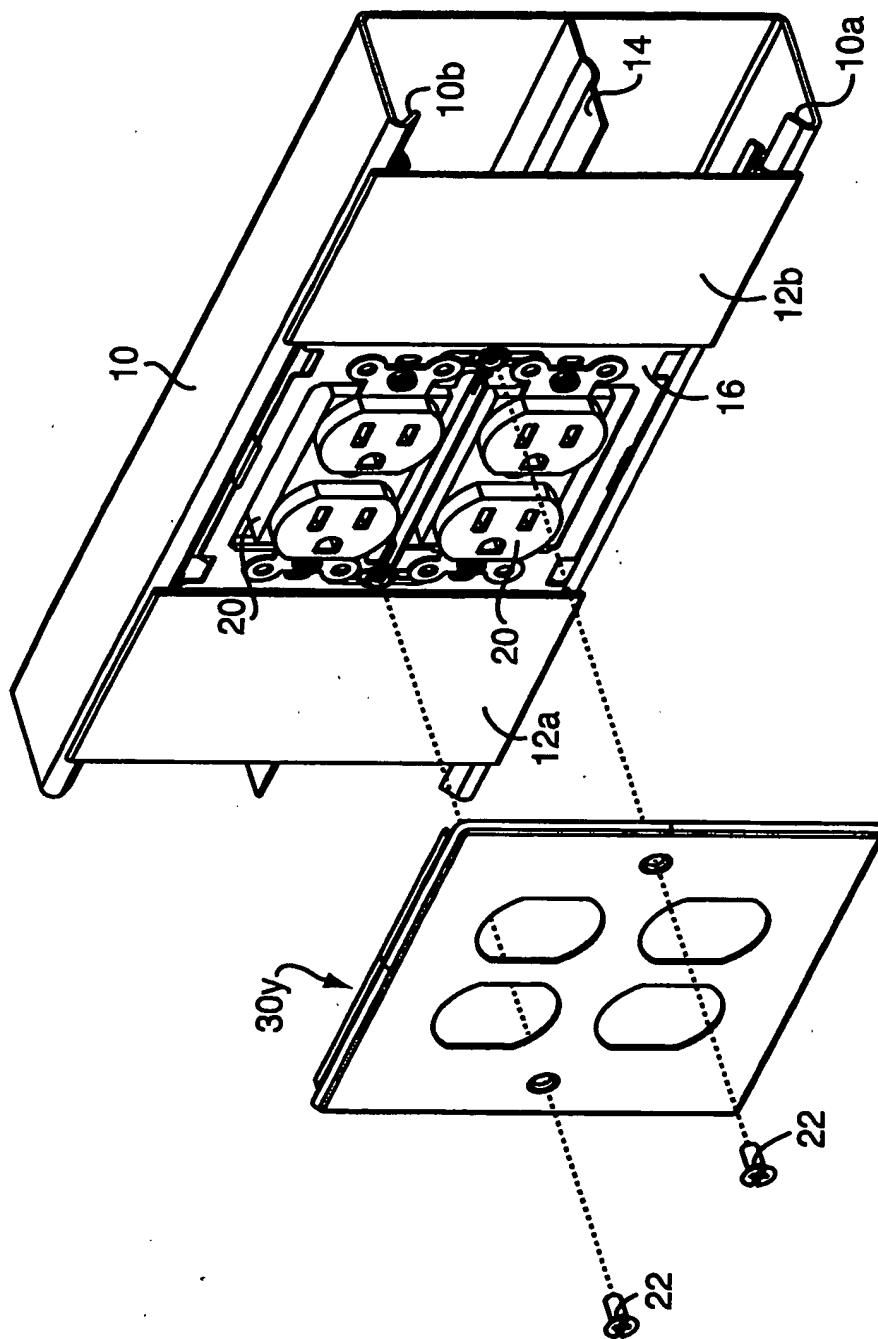
McCormick, Paulding & Huber LLP  
Title: DEVICE BRACKET FOR METAL  
RACEWAY AND COVER OR USE THEREWITH  
First Named Inventor: Antonio J. Vargas  
Serial Number: 10/784,475  
Attorney Docket Number: 3924-0185

Replacement Sheet

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Approved  
AC  
5/19/05

FIG. 2

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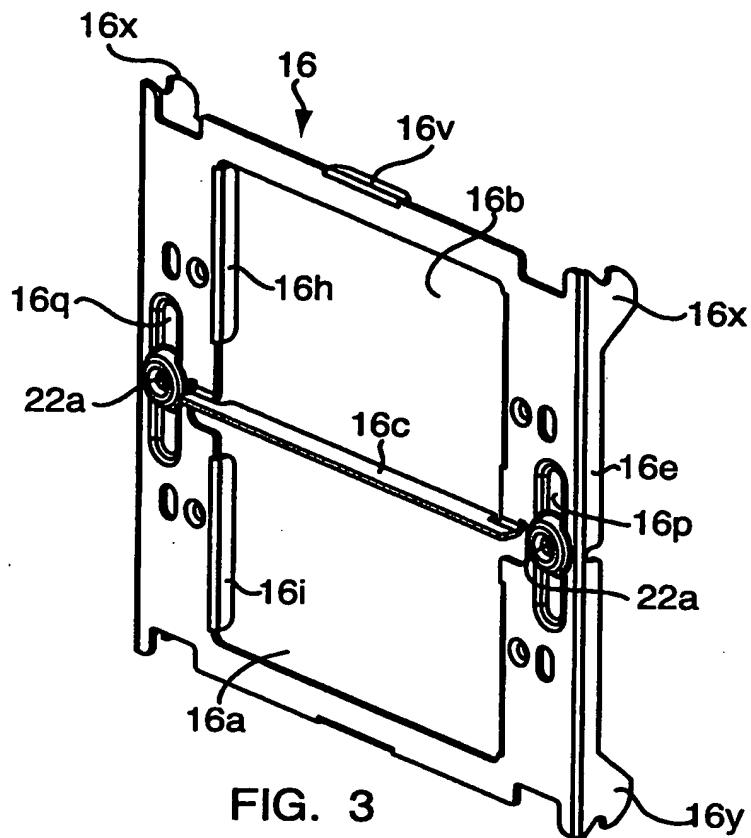


FIG. 3

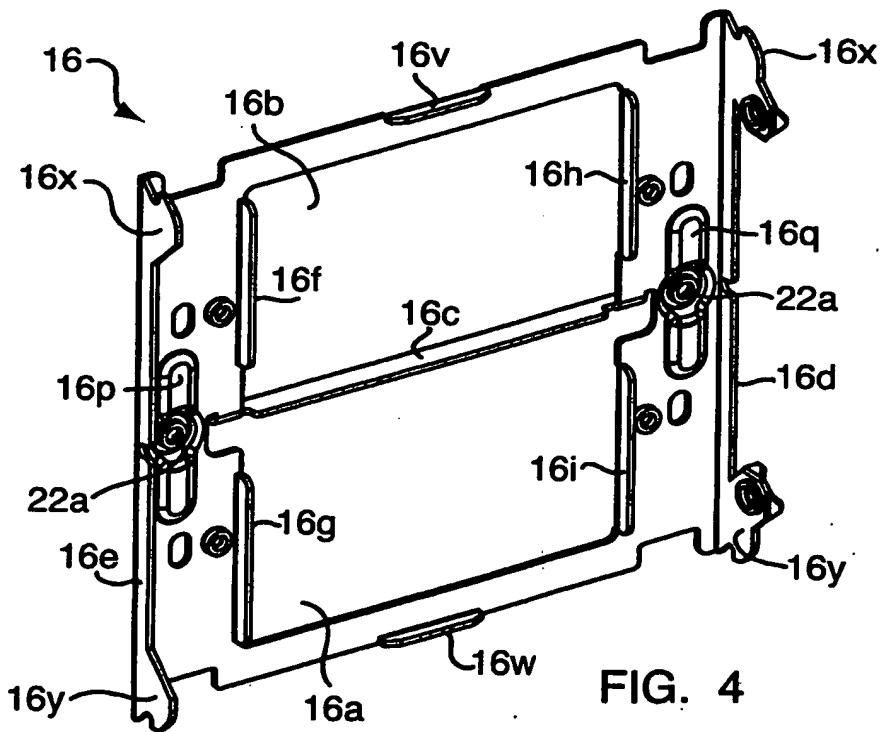


FIG. 4

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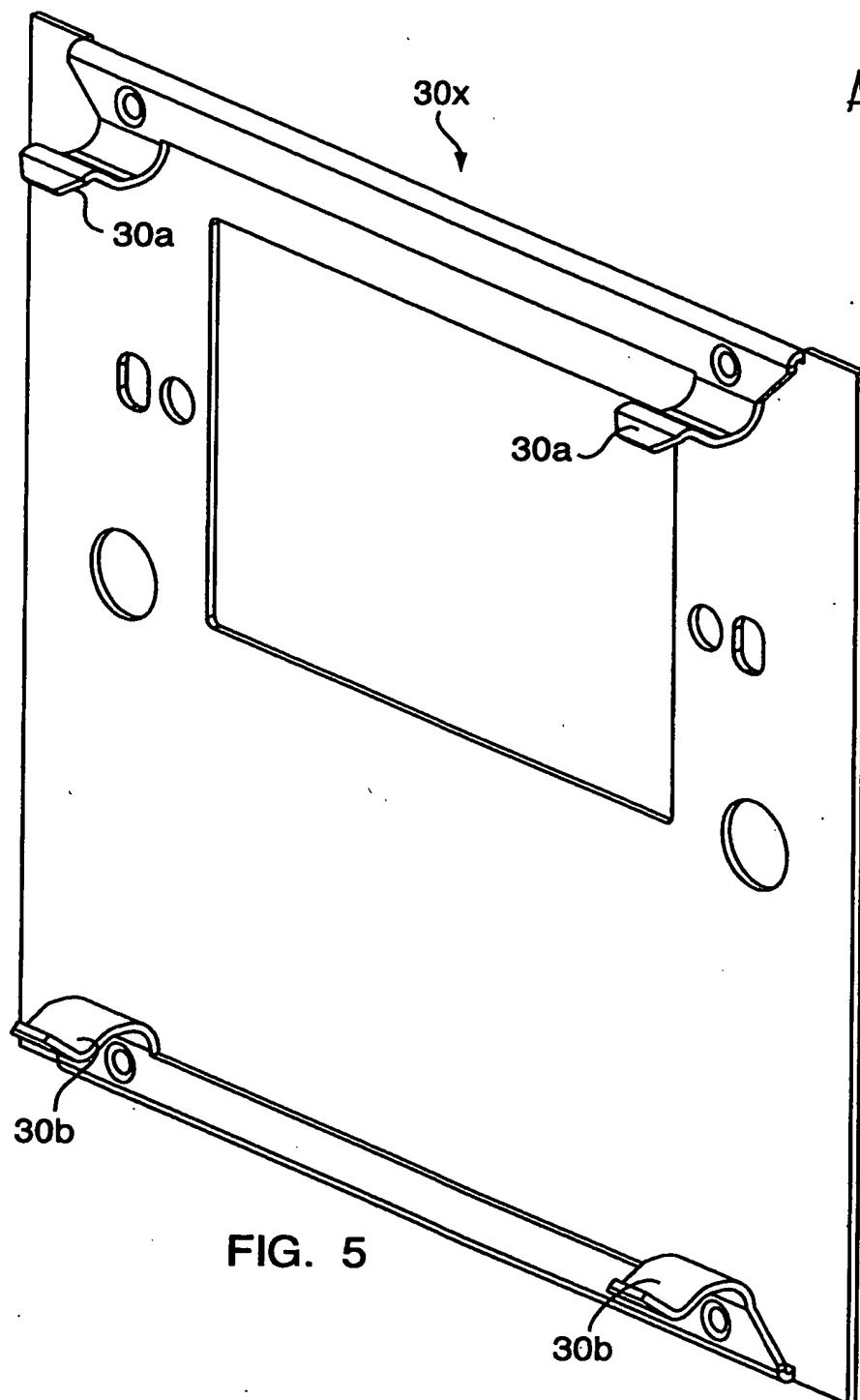


FIG. 5